

REMARKS

Claims 1-3, 5-9, 11-16, 18-21, and 23-26 are pending in the above-referenced Application.

All pending claims (1-3, 5-9, 11-16, 18-21, and 23-26) of the present Application were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 6,178,407 B1 to Lotvin et al. (“Lotvin”).

On November 6, 2006, Applicant’s attorney discussed with the Examiner over the telephone the rejection of the pending claims, in particular the limitation that a second party, a major financial services company, receives from third parties information associating the identification of the user with the items that the user purchases. The Examiner reiterated the position, set forth in the September 12, 2006 and earlier office actions, that United States Patent 6,178,407 B1 to Lotvin implicitly anticipates this and all other limitations of the pending claims. The Examiner referred Applicant to FIGS. 12A and 12B of Lotvin and stated that a financial services company would implicitly combine information from the parent’s credit card transaction with information from FIGS 12A and 12B about the user. The Examiner stated that the pending claims would not be allowable without further amendment.

Applicant has amended independent claims 1, 14 and 26 to include the limitation that a second party major financial services company “receives, directly from third parties, information associating the identification of the user with the items that the user purchases.” Support for this amendment is found, for example, at paragraph [0061]. Applicant respectfully submits that the amended claims, and the claims the depend from them, are now in condition for allowance.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The present Application includes three independent claims, claims 1, 14, and 26. Each of these claims recites the limitation that the second party is a major financial services company that “receives, directly

from third parties, information associating the identification of the user with the items that the user purchases.” Lotvin does not teach or suggest, either expressly or inherently this limitation.

The overall architecture of the central computer system in Lotvin is illustrated in FIG. 1. Lotvin’s computer system is either preferably located in a central facility or parts “can be distributed throughout various sites, including users’ local computers.” Col. 4 lines 52-56. Figures 12A and 12B illustrate the organization of the system databases that are shown in block 101 of FIG. 1. Col. 16 lines 9-10. Thus, according to Lotvin, the database structure of FIGS 12A and 12B is not maintained by or accessible to third party vendors. Although information in these system databases may be combined in the system to associate a user who is ineligible to open a credit account with the items that the user purchases, in Lotvin such information can never be transmitted directly from third party vendors to a major financial services company. This is true regardless of how the information from the central computer system associating the user and their purchases is routed along a network. Simply put, the information must originate from Lotvin’s central computer system and cannot originate from the third party vendors and go directly to a major financial services company. The impossibility of having a vendor transmit information associating the user with their purchases directly to a major financial services company is illustrated by Lotvin’s in FIG. 6, which shows separate system transactions associated with receiving a child’s purchase selection, block 604, initiating and logging an order, block 605, and debiting the parent’s credit card, block 606, col. 13 lines 54-67.” Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of amended claims 1, 14, and 26.

Accordingly, Applicants respectfully submit that all claims are in form for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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